

## COMMITTEE REPORT

### MR. PRESIDENT:

The Senate Committee on Corrections, Criminal and Civil Procedures, to which was referred Senate Bill No. 340, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill be AMENDED as follows:

- 1       Page 1, delete line 1, begin a new paragraph and insert:
- 2       "SECTION 1. IC 34-30-2-152.2 IS ADDED TO THE INDIANA
- 3       CODE AS A NEW SECTION TO READ AS FOLLOWS
- 4       [EFFECTIVE JULY 1, 2001]: **Sec. 152.2. IC 35-46-7-5 (Concerning**
- 5       **the reporting of suspicious activity in a deposit account by a**
- 6       **financial institution).**
- 7       SECTION 2. IC 35-46-7 IS ADDED TO THE INDIANA CODE AS
- 8       A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY
- 9       1, 2001]:
- 10       **Chapter 7. Offenses Against Persons Receiving Care**
- 11       **Sec. 1. As used in this chapter, "health care provider" means:**
- 12       **(1) a hospital licensed under IC 16-21;**
- 13       **(2) a health facility licensed under IC 16-28;**
- 14       **(3) a housing services establishment that is required to file a**
- 15       **disclosure statement under IC 12-15;**
- 16       **(4) a continuing care retirement community that is required**
- 17       **to file a disclosure statement under IC 23-2-4;**
- 18       **(5) a home health agency licensed under IC 16-27;**
- 19       **(6) a hospice licensed under IC 16-25;**
- 20       **(7) an entity that provides licensed or certified health care**
- 21       **professionals to:**

- 1           (A) a health care provider; or
- 2           (B) a person who is in need of, or receives, professional
- 3           health care services;
- 4           (8) a community mental health center (as defined in
- 5           IC 12-7-2-38);
- 6           (9) a private psychiatric hospital licensed under IC 12-25;
- 7           (10) a state institution (as defined in IC 12-7-2-184); or
- 8           (11) a community residential facility for the developmentally
- 9           disabled that is licensed under IC 12-28-5."

10       Page 1, delete lines 2 through 17.

11       Delete page 2.

12       Page 3, delete lines 1 through 2.

13       Page 3, line 3, delete "1, 2001]: Sec. 7.1. (a)", begin a new

14       paragraph and insert "Sec. 2."

15       Page 3, line 3, delete "section" and insert "chapter".

16       Page 3, delete lines 10 through 27, begin a new paragraph and

17       insert:

18       **"Sec. 3. This chapter does not apply to the following:**

19       **(1) A gift or donation of money or other asset given to:**

20           **(A) a health care provider in the corporate name of the**

21           **health care provider; or**

22           **(B) a health care provider that is organized under Section**

23           **501(c)(3) of the Internal Revenue Code.**

24       **(2) A gift or loan of money or other asset given by a person**

25       **who receives services from a health care provider to a**

26       **member of the person's family who:**

27           **(A) is employed by a health care provider; or**

28           **(B) owns, wholly or jointly, a health care provider.**

29       **(3) A bequest of personal property or devise of real property**

30       **made in an executable will as described in IC 29-1-5-5 to a**

31       **health care provider, an owner, an employee, or an agent of**

32       **a health care provider.**

33       **(4) The purchase of a security (as defined in IC 23-2-1-1) that**

34       **is traded on a national or regional exchange.**

35       **(5) A gift or gratuity, not exceeding five hundred dollars**

36       **(\$500) in the aggregate per year per protected person, to an**

37       **employee of a health care provider.**

38       **(6) A gift or donation of money or other asset given to**

1 purchase or otherwise acquire a product, service, or amenity  
2 for the use, entertainment, or enjoyment of persons receiving  
3 services from a health care provider.

4 Sec. 4. (a) The following transactions are subject to the  
5 requirements of subsection (b):

6 (1) A gift, a donation, a loan, or an investment from a person  
7 who receives services from a health care provider to:

8 (A) the health care provider in the health care provider's  
9 individual capacity; or

10 (B) an owner, employee, or agent of the health care  
11 provider;

12 in the name of the health care provider, owner, employee or  
13 agent.

14 (2) A loan or an investment from a person who receives  
15 services from a health care provider to the health care  
16 provider in the corporate name of the health care provider.

17 (b) A transaction under subsection (a) must be executed in  
18 writing and witnessed by two (2) disinterested parties. Each  
19 witness shall sign a document that describes the transaction in the  
20 presence of:

21 (1) the person who makes the transaction; and

22 (2) the other witness.

23 (c) A health care provider, or an owner, an employee, or an  
24 agent of a health care provider, who:

25 (1) receives a gift, a donation, a loan, or an investment from  
26 a person who receives services from a health care provider;  
27 and

28 (2) fails to conform with the requirements of subsection (b);  
29 commits a Class A infraction. Without regard to the amount of the  
30 transaction, the court that imposes the penalty for the infraction  
31 violation may, upon the request of the prosecuting attorney, order

- 1       **the person to pay the amount received in violation of this section,**
- 2       **plus interest from the date of the transaction, to the protected**
- 3       **person or the estate of the protected person."**

(Reference is to SB 340 as introduced.)

**and when so amended that said bill do pass.**

Committee Vote: Yeas 9, Nays 0.

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**Long**

**Chairperson**